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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 GALLAGHER-KAISER CORPORATION,)

11 Plaintiff(s),)

12 vs.)

13 LIBERTY DUCT, LLC, et al.,)

14 Defendant(s).)
15

Case No. 2:14-cv-00869-JAD-NJK

ORDER

(Docket No. 67)

16 Pending before the Court is a stipulation to extend various deadlines. Docket No. 67. The
17 stipulation is not signed by counsel for Third Party Defendant Archer Western Contractors, apparently
18 because it has a pending motion to dismiss. *See id.* at 2. The mere pendency of a dispositive motion
19 is not grounds to refuse to engage in discovery. *See, e.g., Kor Media Group, LLC v. Green*, 294 F.R.D.
20 579, 581 (D. Nev. 2013) (“The Federal Rules of Civil Procedure do not provide for automatic or blanket
21 stay of discovery when a potentially dispositive motion is pending” (quoting *Tradebay, LLC v. eBay,*
22 *Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011)). Because the stipulation is not filed on behalf of all parties,
23 it is hereby **DENIED** without prejudice.

24 The Court further **ORDERS** counsel for all parties (including Archer Western Contractors) to
25 meet and confer no later than March 21, 2016 regarding an appropriate schedule for this case to move
26 forward. No later than March 25, 2016, the parties shall file a joint proposed schedule with the Court.
27 To the extent Archer Western Contractors believes a stay of its discovery obligations is appropriate
28 because its motion to dismiss remains pending, then it must file a separate motion to stay addressing the

1 appropriate standard for such a request. *See, e.g., Kor Media*, 294 F.R.D. at 581. The filing of a motion
2 to stay discovery does not obviate Archer Western Contractors' obligation to also participate in the filing
3 of the joint proposed schedule discussed above.

4 IT IS SO ORDERED.

5 DATED: March 16, 2016

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9 NANCY J. KOPPE
10 United States Magistrate Judge
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